Adopted Rejected

COMMITTEE REPORT

YES: 9 NO: 0

MR. SPEAKER:

Your Committee on <u>Rules and Legislative Procedures</u>, to which was referred <u>Senate Bill 510</u>, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-36 IS ADDED TO THE INDIANA CODE AS A
- 3 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2001]:
- 5 ARTICLE 36. STATE MUSEUMS COMMISSION
- 6 Chapter 1. Definitions
- 7 Sec. 1. The definitions in this chapter apply throughout this
- 8 article.
- 9 Sec. 2. "Chief executive officer" means the chief executive
- officer of the state museum.
- Sec. 3. "Commission" means the state museums commission
- established under IC 4-36-2.
- 13 Sec. 4. "Foundation" refers to the state museum foundation or
- its successors.

1	Sec. 5. "Fund" refers to the state museum donations fund
2	established under IC 4-36-4.
3	Sec. 6. "Museum" refers to the state museum.
4	Sec. 7. "Person" means an individual, a partnership, a
5	corporation, a limited liability company, an unincorporated
6	association, or a governmental entity.
7	Sec. 8. "State museum" refers to the Indiana state museum
8	located in the White River state park.
9	Chapter 2. State Museums Commission
.0	Sec. 1. (a) The state museums commission is established.
1	(b) The commission is a public body corporate and politic
2	constituting an instrumentality of the state for the public purposes
3	set out in this article. The commission is separate from the state,
4	but the exercise by the commission of its powers constitutes an
.5	essential governmental function.
.6	(c) The commission may sue and be sued and plead and be
7	impleaded.
8	Sec. 2. (a) The commission consists of the following members:
9	(1) The governor, or the governor's designee, who shall serve
20	as chair.
21	(2) Six (6) persons appointed by the governor, not more than
22	two (2) of whom may be from the same county.
23	(3) Three (3) persons appointed by the foundation, each of
24	whom must be residents of different counties.
25	(4) Two (2) members of the house of representatives, who may
26	not be from the same political party, appointed by the speaker
27	of the house of representatives.
28	(5) Two (2) members of the senate, who may not be from the
29	same political party, appointed by the president pro tempore
30	of the senate.
31	The members appointed under subdivisions (4) and (5) are
32	nonvoting members.
33	(b) The members of the commission other than the governor, the
34	members appointed by the president pro tempore of the senate,
35	and the members appointed by the speaker of the house of
36	representatives shall be appointed for terms of three (3) years.
37	(c) The members appointed by the governor may be reappointed
88	or replaced by the governor, but may not serve more than two (2)

1	consecutive terms.
2	(d) The members appointed by the foundation may be
3	reappointed or replaced by the foundation, but may not serve more
4	than two (2) consecutive terms.
5	(e) A member appointed under subsection (a)(4) or (a)(5) serves
6	at the pleasure of the appointing authority.
7	(f) Six (6) voting members of the commission constitute a
8	quorum. The affirmative votes of at least six (6) members are
9	required to take any action other than to adjourn a meeting of the
10	commission.
11	Sec. 3. (a) The commission is not required to pay any taxes or
12	assessments upon any property acquired or used by the
13	commission under this article, or upon the income from that
14	property.
15	(b) The commission is exempt under IC 6-2.5-5-16 from the state
16	gross retail tax for transactions involving tangible personal
17	property, public utility commodities, and public utility service.
18	Sec. 4. The title to all of the following shall be held in the name
19	of the state of Indiana:
20	(1) Property constituting the museum.
21	(2) Property used in connection with the museum.
22	(3) Property acquired by the commission.
23	Sec. 5. Members appointed by the governor or the foundation
24	are not liable in an individual capacity for any act done or omitted
25	in connection with the performance of duties under this article.
26	Sec. 6. (a) The commission is exempt from the following:
27	(1) The requirements of IC 4-13-2-20 requiring payment in
28	arrears.
29	(2) The procurement requirements under IC 5-22, except that
30	the disposition of surplus personal property shall be handled
31	under IC 5-22-22.
32	(b) Surplus real property of the commission shall be disposed of
33	under IC 4-20.5-7.
34	Chapter 3. Powers and Duties of the Commission
35	Sec. 1. The commission shall do the following:
36	(1) Collect, preserve, display, and interpret artifacts and
37	materials reflecting the cultural and natural history of
38	Indiana.

l	(2) Prepare and maintain a statewide inventory of these
2	artifacts and materials.
3	(3) Operate and administer the state museum.
4	(4) Maintain accreditation of the state museum.
5	(5) Uphold the highest professional and ethical standards as
6	adopted by the American Association of Museums.
7	(6) Adopt a code of ethics, subject to the approval of the
8	governor, for its employees.
9	(7) Cause an independent financial audit of the commission to
10	be performed annually.
11	(8) Provide conservation and curatorial services and other
12	assistance to the division of Indiana historic sites in
13	accordance with the commission's policies and agreements.
14	Sec. 2. The commission may do the following:
15	(1) Qualify the museum for federal and other aid to preserve
16	historic property, materials, items, and memorials.
17	(2) Provide information on historic property, materials, items
18	sites, and memorials within Indiana to federal, state, and local
19	governmental agencies, private individuals, and
20	organizations.
21	(3) Advise and assist local museums, historical associations,
22	historic district commissions, historic commissions, and other
23	interested groups or persons in Indiana.
24	(4) Develop a program of interpretation, outreach, and
25	publication regarding any of the state's historical
26	architectural, and archeological resources.
27	(5) Assist in the professional development of the museum's
28	staff.
29	(6) Develop a plan to meet the physical, program, financial
30	and staffing needs of the museum for both the immediate and
31	long range future, monitor the plan at regular intervals, and
32	ensure that the museum follows the plan.
33	(7) Donate, or make short term loans of, artifacts in the
34	museum's collections to other public or nonprofit museums or
35	historical societies.
36	(8) Adopt an official seal.
37	(9) Adopt bylaws.
38	(10) Adopt rules under IC 4-22-2 to carry out the nurneses of

1	this article.
2	(11) Acquire by grant, purchase, gift, devise, or lease or
3	otherwise hold, use, sell, lease, manage, operate, clear,
4	improve, encumber, transfer, convey, exchange, or dispose of
5	(A) real and personal property and any interest in real or
6	personal property;
7	(B) facilities;
8	(C) money or stocks; and
9	(D) any right or interest necessary or useful for carrying
.0	out the commission's powers and duties under this article
1	(12) Procure insurance against any loss in connection with its
2	operations.
.3	(13) Employ or contract with consultants, attorneys, or other
.4	persons as may be required in the judgment of the
.5	commission and pay their compensation from funds available
.6	to the commission.
.7	(14) Enter into contractual or other arrangements with the
8	Indiana department of administration in connection with the
9	financing of the state museum under IC 4-13.5.
20	(15) Notwithstanding IC 4-13.5-4-5, the commission may
21	allocate space in museums financed by the state office
22	building commission under IC 4-13.5.
23	(16) Fix and collect rents, admission charges, fees, tolls, and
24	other user charges for the museum, restaurants, or other
25	facilities, and for programs, lectures, classes, tours, and trips
26	(17) Establish policies for the governance and management of
27	the staff of the museum.
28	(18) Hold meetings under IC 5-14-1.5 at the times and places
29	in Indiana that are prescribed by its bylaws.
30	(19) Hire, fix the compensation of, review the performance of
31	and dismiss a chief executive officer, who shall:
32	(A) be the director of museums;
33	(B) be the chief administrative officer of the commission:
34	and
35	(C) supervise and direct the work of the museum's staff
36	and contractors.
37	(20) Review and approve annually a budget prepared by the
Q.	chief executive officer for the operation and maintanance of

1	the museum and the operation of the commission.
2	(21) Submit a budget to the budget agency and request and
3	receive appropriations from the general assembly.
4	(22) Pay royalties or license fees or charges for exhibits,
5	artifacts, artwork, or materials.
6	(23) Do any and all acts and things necessary, proper, or
7	convenient to carry out this article.
8	(24) Own copyrights, trademarks, and service marks and
9	enforce the commission's rights with respect to ownership.
10	(25) Make or sell the following:
11	(A) Pictures, models, books, and other representations of
12	the museum and its artifacts and exhibits.
13	(B) Souvenirs, crafts, art, videotapes, digital video discs,
14	and other merchandise.
15	(26) Maintain museum shops and restaurants on property
16	that the commission manages and at other locations and
17	employ or contract with persons to manage the museum shops
18	and restaurants.
19	(27) Require the chief executive officer and controller or fiscal
20	agent of the museum to, before entering upon the discharge of
21	their duties, provide surety bonds each in a sum determined
22	by the commission, conditioned for the faithful performance
23	of such duties as may be imposed upon them by law.
24	(28) Comply with the terms and conditions of all executive
25	orders issued by the governor.
26	Chapter 4. State Museum Donations Fund
27	Sec. 1. (a) The state museum donations fund is established. The
28	fund shall be administered by the commission.
29	(b) The commission may invest the money in the fund not
30	currently needed to meet the obligations of the fund in a manner
31	consistent with policies adopted by the commission.
32	(c) The expenses of administering the fund shall be paid from
33	the fund.
34	(d) The commission may spend the money in the fund for the
35	following purposes:
36	(1) Maintenance or repair of property managed by the
37	commission.
38	(2) Maintenance, repair, and acquisition of the following:

1	(A) Exhibits, programming, and related expenses.
2	(B) Appropriate artifacts.
3	(C) Appropriate memorabilia and merchandise.
4	However, operating costs may not be paid from the fund.
5	Sec. 2. The following apply to the fund:
6	(1) Gifts of money or the proceeds from the sale of gifts
7	donated to the state museum shall be deposited in the fund.
8	(2) All money accruing to the fund is appropriated
9	continuously for the purposes of this article.
10	(3) Money in the fund at the end of a state fiscal year does not
11	revert to the state general fund.
12	Sec. 3. The chief executive officer shall report annually to the
13	commission on the activities, revenues, expenditures, and profits of
14	the museum shops, facility rentals, and restaurants.
15	SECTION 2. IC 10-7-2-34 IS AMENDED TO READ AS
16	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 34. (a) The
17	commission shall employ an individual who is responsible for the care
18	and preservation of all personal property owned by the commission that
19	has historic significance.
20	(b) The individual employed by the commission under subsection
21	(a) must meet the qualifications set by the division of state museums
22	and Indiana historic sites of the department of natural resources.
23	SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.160-1999,
24	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25	SEPTEMBER 1, 2001]: Sec. 107. "Fund" has the following meaning:
26	(1) For purposes of IC 14-9-5, the meaning set forth in
27	IC 14-9-5-1.
28	(2) For purposes of IC 14-9-8-21, the meaning set forth in
29	IC 14-9-8-21.
30	(3) For purposes of IC 14-9-9, the meaning set forth in
31	IC 14-9-9-3.
32	(4) For purposes of IC 14-12-1, the meaning set forth in
33	IC 14-12-1-1.
34	(5) For purposes of IC 14-12-2, the meaning set forth in
35	IC 14-12-2-2.
36	(6) For purposes of IC 14-12-3, the meaning set forth in
37	IC 14-12-3-2.
38	(7) For purposes of IC 14-13-1, the meaning set forth in

1	IC 14 12 1 2
1	IC 14-13-1-2.
2	(8) For purposes of IC 14-13-2, the meaning set forth in
3	IC 14-13-2-3.
4	(9) For purposes of IC 14-19-4, the meaning set forth in
5	IC 14-19-4-1.
6	(10) For purposes of IC 14-19-5, the meaning set forth in
7	IC 14-19-5-1.
8	(11) For purposes of IC 14-20-1, the meaning set forth in
9	IC 14-20-1-3.
10	(12) (11) For purposes of IC 14-20-11, the meaning set forth in
11	IC 14-20-11-2.
12	(13) (12) For purposes of IC 14-22-3, the meaning set forth in
13	IC 14-22-3-1.
14	(14) (13) For purposes of IC 14-22-4, the meaning set forth in
15	IC 14-22-4-1.
16	(15) (14) For purposes of IC 14-22-5, the meaning set forth in
17	IC 14-22-5-1.
18	(16) (15) For purposes of IC 14-22-8, the meaning set forth in
19	IC 14-22-8-1.
20	(17) (16) For purposes of IC 14-22-34, the meaning set forth in
21	IC 14-22-34-2.
22	(18) (17) For purposes of IC 14-23-3, the meaning set forth in
23	IC 14-23-3-1.
24	(19) (18) For purposes of IC 14-23-8, the meaning set forth in
25	IC 14-23-8-1.
26	(20) (19) For purposes of IC 14-25-2-4, the meaning set forth in
27	IC 14-25-2-4.
28	(21) (20) For purposes of IC 14-25-10, the meaning set forth in
29	IC 14-25-10-1.
30	(22) (21) For purposes of IC 14-25-11-19, the meaning set forth
31	in IC 14-25-11-19.
32	(23) (22) For purposes of IC 14-28-5, the meaning set forth in
33	IC 14-28-5-2.
34	(24) (23) For purposes of IC 14-31-2, the meaning set forth in

(25) (24) For purposes of IC 14-25-12, the meaning set forth in

(26) (25) For purposes of IC 14-33-14, the meaning set forth in

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IC 14-31-2-5.

IC 14-25-12-1.

1	IC 14-33-14-3.
2	(27) (26) For purposes of IC 14-33-21, the meaning set forth in
3	IC 14-33-21-1.
4	(28) (27) For purposes of IC 14-34-6-15, the meaning set forth in
5	IC 14-34-6-15.
6	(29) (28) For purposes of IC 14-34-14, the meaning set forth in
7	IC 14-34-14-1.
8	(30) (29) For purposes of IC 14-37-10, the meaning set forth in
9	IC 14-37-10-1.
10	SECTION 4. IC 14-8-2-124 IS AMENDED TO READ AS
11	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 124. "Historic
12	property", for purposes of IC 14-20-1 and IC 14-21-1, means:
13	(1) a historic site;
14	(2) a historic structure; or
15	(3) other personal or real property located on or in a historIC
16	historic site or historic structure.
17	SECTION 5. IC 14-9-4-1 IS AMENDED TO READ AS FOLLOWS
18	[EFFECTIVE SEPTEMBER 1, 2001]: Sec. 1. The following divisions
19	are established within the department:
20	(1) Accounting.
21	(2) Administrative support services.
22	(3) Budget.
23	(4) Engineering.
24	(5) Entomology and plant pathology.
25	(6) Fish and wildlife.
26	(7) Forestry.
27	(8) Historic preservation and archeology.
28	(9) Human resources.
29	(10) Internal audit.
30	(11) Land acquisition.
31	(12) Law enforcement.
32	(13) Management information systems.
33	(14) Nature preserves.
34	(15) Oil and gas.
35	(16) Outdoor recreation.
36	(17) Public information and education.
37	(18) Reclamation.
38	(19) Reservoir management.

1	(20) Safety and training.
2	(21) Soil conservation.
3	(22) State museums and Indiana historic sites.
4	(23) State parks.
5	(24) Water.
6	SECTION 6. IC 14-10-3-1 IS AMENDED TO READ AS
7	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 1. This chapter
8	applies to the property managers of each of the following divisions of
9	the department:
10	(1) State parks.
11	(2) Forestry.
12	(3) Fish and wildlife.
13	(4) Reservoir management.
14	(5) State museums and Indiana historic sites.
15	SECTION 7. IC 14-12-2-14 IS AMENDED TO READ AS
16	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 14. (a) The
17	Indiana heritage trust project committee is established.
18	(b) The project committee consists of the following sixteen (16)
19	seventeen (17) members:
20	(1) The director of the division of fish and wildlife.
21	(2) The director of the division of forestry.
22	(3) The director of the division of nature preserves.
23	(4) The director of the division of state parks.
24	(5) The director of the division of outdoor recreation.
25	(6) The director chief executive officer of the division of state
26	museums and historic sites. commission.
27	(7) The director of the division of Indiana historic sites.
28	(8) Ten (10) individuals appointed by the governor:
29	(A) who are residents of Indiana;
30	(B) who have a demonstrated interest or experience in:
31	(i) conservation of natural resources; or
32	(ii) management of public property;
33	(C) each of whom resides in a different congressional district;
34	and
35	(D) who represent the following:
36	(i) The environmentalist community.
37	(ii) The academic community.
38	(iii) Organized hunting and fishing groups.

(iv) The forest products community.

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2	(v) The parks and recreation community.
3	SECTION 8. IC 14-20-1-2 IS AMENDED TO READ AS
4	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 2. As used in
5	this chapter, "division" refers to the division of state museums and
6	Indiana historic sites.
7	SECTION 9. IC 14-20-1-23 IS AMENDED TO READ AS
8	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 23. (a) The
9	commission may on recommendation of the trustees, accept or refuse
10	to accept an offered gift of historic property that would be administered
11	by the department.
12	(b) The commission may on recommendation of the trustees, sell,
13	lease, or exchange historic property administered by the department
14	under IC 4-20.5-7 or IC 5-22-22.
15	(c) The commission may, on recommendation of the trustees and in
16	accordance with rules adopted by the commission under IC 4-22-2, sell,
17	donate, or exchange artifacts in the museum's collection to or with
18	other public or nonprofit museums or historical societies. However, the
19	commission may donate an artifact in the museum's collection to a
20	public or nonprofit museum or historical society under this subsection
21	only if the museum or historical society is located in Indiana.
22	(d) (c) The commission may on recommendation of the trustees,
23	adopt rules under IC 4-22-2 to establish a procedure for evaluating the
24	merits of proposals to:
25	(1) accept gifts of;
26	(2) sell; or
27	(3) exchange;
28	artifacts or historic property.
29	SECTION 10. IC 14-21-1-13 IS AMENDED TO READ AS
30	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 13. The
31	division may do the following:
32	(1) Recommend the purchase, lease, or gift of historic property of
33	archeological importance and make recommendations to the
34	director, council, and commission regarding policies affecting the
35	operation and administration of these sites and structures by the
36	section of historic sites of the division of state museums and
37	Indiana historic sites.
38	(2) Prepare and review planning and research studies relating to

1	archeology.
2	(3) Conduct a program of education in archeology, either within
3	the division or in conjunction with an institution of higher
4	education.
5	(4) Inspect and supervise an archeological field investigation
6	authorized by this chapter.
7	SECTION 11. IC 14-21-1-14 IS AMENDED TO READ AS
8	FOLLOWS [EFFECTIVE SEPTEMBER 1, 2001]: Sec. 14. (a) This
9	section does not apply to real property that is owned by a state
10	educational institution (as defined in IC 20-12-0.5-1).
11	(b) The Indiana department of administration shall notify the
12	division of a proposed transfer of real property owned by the state at
13	the earliest planning stage and no later than ninety (90) days before the
14	date of the proposed transfer.
15	(c) The division shall inspect the property and notify the Indiana
16	department of administration of the location of each historic site or
17	historic structure on the property.
18	(d) Real property owned by the state may not be sold or transferred
19	until the division has stated in writing that the property does not, to the
20	best of the division's knowledge, contain a historic site or historic
21	structure.
22	(e) If the Indiana department of administration receives notice of a
23	historic site or historic structure on the property, the Indiana
24	department of administration shall reserve control of the appropriate
25	historic property by means of a covenant or an easement contained in
26	the transferring instrument.
27	(f) The division of state museums and Indiana historic sites shall
28	administer property reserved under subsection (e).
29	SECTION 12. [EFFECTIVE JULY 1, 2001] (a) The definitions in
30	IC 4-36, as added by this act, apply throughout this SECTION.
31	(b) On September 1, 2001, all real property, personal property,
32	and artifacts of the division of state museums and historic sites that
33	are part of the state museum are transferred from the division of
34	state museums and historic sites to the commission, and all other
35	real property, personal property, and artifacts are transferred to
36	the division of Indiana historic sites.
37	(c) After August 31, 2001, rules adopted by the natural

resources commission that concern the division of state museums

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and historic sites or that concern the state museum shall be treated as rules applying to the commission, and all rules adopted by the natural resources commission that concern historic sites and properties shall be treated as rules applying the division of Indiana historic sites.

- (d) On September 1, 2001, all powers, duties, assets, and liabilities of the department of natural resources regarding the state museum and all artifacts of the state museum controlled by the division of state museums and historic sites are transferred to the commission, and all powers, duties, assets, and liabilities of the department of natural resources regarding historic sites and all artifacts of the historic sites that are controlled by the division of state museums and historic sites are transferred to the division of Indiana historic sites.
- (e) After August 31, 2001, a reference to the department of natural resources in a statute or rule concerning the state museum shall be treated as a reference to the commission, and a reference to the department of natural resources in a statute or rule concerning a historic site shall be treated as a reference to the division of Indiana historic sites.
 - (f) Subject to subsection (b), the budget agency shall transfer to:
- (1) the commission all appropriations contained in the budget appropriation for the department of natural resources for the period beginning July 1, 2001, and ending June 30, 2003, that were intended for the operation and improvement of the state museum; and
 - (2) the division of Indiana historic sites all appropriations intended for the operation and improvement of the historic sites.
- (g) Notwithstanding IC 4-36-2-2(b), as added by this act, the initial appointments to the commission under IC 4-36-2-2 shall be staggered as follows:
 - (1) Two (2) persons appointed by the governor and one (1) person appointed by the foundation shall be appointed to serve a one (1) year term ending June 30, 2002.
- (2) Two (2) persons appointed by the governor and one (1) person appointed by the foundation shall be appointed to serve a two (2) year term ending June 30, 2003.

1	(h) This SECTION expires July 1, 2006.
2	SECTION 13. THE FOLLOWING ARE REPEALED [EFFECTIVE
3	SEPTEMBER 1, 2001]: IC 14-8-2-283; IC 14-20-1-3; IC 14-20-1-6;
4	IC 14-20-1-10; IC 14-20-1-16; IC 14-20-1-17; IC 14-20-1-18;
5	IC 14-20-1-19; IC 14-20-1-20; IC 14-20-1-21; IC 14-20-1-22;
6	IC 14-20-1-24.
	(Reference is to SB 510 as printed February 14, 2001.)
and when so	o amended that said bill do pass.
	Representative Moses
	representative intoses